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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 GEOFFREY ROBERT LAWSON, SR.,

7 Petitioner,

8 v.

9 JAMES KEY,

10 Respondent.

Case No. C18-5998-RBL-TLF

ORDER GRANTING LIMITED  
EXTENSION OF TIME

11 Petitioner filed this habeas corpus petition pursuant to 28 U.S.C. § 2254 in September  
12 2018. Dkt. 1. Respondent filed an answer to the petition on January 28, 2019. Dkt. 17. In  
13 February 2019, petitioner moved for a 180-day extension of time to file a response to  
14 respondent's answer. Dkt. 19. That motion was granted. Dkt. 20. In August 2019, petitioner  
15 moved for a second 180-day extension to file his response on the grounds that his time in the law  
16 library was limited and that his ability to work on his response was additionally limited by the  
17 fact that he is undergoing medical treatment for cancer. Dkt. 26. That motion was granted. The  
18 petitioner now moves again for a third 180-day extension to file his response. Dkt. 29. The  
19 respondent does not oppose petitioner's motion. Dkt. 30.

20 Petitioner requests an extension of time on the grounds that in August 2019, he was  
21 "kicked out" of the library for possessing in excess of 3 inches of legal materials in violation of  
22 DOC policy. Dkt. 29. Petitioner indicates he filed a grievance related to this incident and that he  
23 was also infracted over this incident. However, this alleged incident occurred five months ago.  
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1 Even if petitioner disagrees with this policy or that he was given an infraction for this incident<sup>1</sup>,  
2 he does not explain why he has been unable to prepare his response in the intervening five  
3 months. The Court also notes that the only issue raised in the respondent's answer is that the  
4 petition is barred by the statute of limitations and, therefore, petitioner need only address that  
5 very limited issue in his response. Under the circumstances, petitioner does not establish good  
6 cause warranting a *third* 180-day extension. However, the Court will grant petitioner a *final*  
7 limited extension of time **until March 30, 2020** to respond. Accordingly, it is ORDERED:

8 (1) Petitioner's motion (Dkt. 29) is **GRANTED** in part; he shall have up to and including  
9 **March 30, 2020**, to file a response to respondent's answer. **No further extensions of**  
10 **time will be granted except upon a showing of good cause.**<sup>2</sup>

11 (2) Respondent must file any reply to petitioner's response by **April 3, 2020**.

12 (3) The Clerk is directed to re-note the petition for **April 3, 2020**.

13 (4) The Clerk is directed to provide a copy of this order to petitioner and counsel for  
14 respondent.

15 Dated this 3rd day of February, 2020.

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17 Theresa L. Fricke  
18 United States Magistrate Judge

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19 <sup>1</sup> To the extent petitioner is attempting to raise a separate legal claim related to this incident and the conditions of his  
20 confinement the court notes that: an "action lying at the core of habeas corpus is one that goes directly to the  
21 constitutionality of the prisoner's physical confinement itself and seeks either immediate release from that  
22 confinement or the shortening of its duration. With regard to such actions, habeas corpus is now considered the  
23 prisoner's exclusive remedy." *Preiser v. Rodriguez*, 411 U.S. 475, 503 (1973) (internal quotation omitted). "A civil  
24 rights action, in contrast, is the proper method of challenging conditions of confinement." *Badea v. Cox*, 931 F.3d  
25 573, 574 (9th Cir. 1991).

<sup>2</sup> If petitioner does attempt to seek an additional extension of time, generalized assertions of difficulties accessing  
the library will not suffice. To establish good cause warranting a further extension petitioner must set forth a detailed  
explanation as to why he has been unable to respond specifically to the allegations in respondent's answer (which  
are limited to the issue of timeliness of the petition) despite being given numerous substantial extensions of time in  
which to do so.